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PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

03/30/2011 DALLEN 00000002 5687671

01 FC:1599

3295.00 OP

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 5,687,761
Issue Date: Nov. 18, 1997

Application Number: 727,057
Filing Date: OCT. 8, 1996

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

- ☐ is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____

2011 MAR 20 PM 4:53

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

3/21/11
Date

Peter A. Langues
Signature

Peter A. Langues
Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ 0	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ <u>1,240</u>	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ <u>2,055</u>	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 3,295

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ N/A (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 0

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 3,295☐ Please charge Deposit Account No. _____ the sum of \$ _____☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____

*#261

7. OVERPAYMENT

As to any overpayment made, please

☐

Credit to Deposit Account No. _____

OR

☒

Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.



Signature(s) of Petitioner(s)

3/21/11
Date

Peter A. Langes
Typed or printed name(s)

Registration Number, if applicable

537 Hastings Dr. Benic, CA. 94510
Address

707-745-0922
Telephone Number

Address

ENCLOSURES:

☒

Maintenance Fee Payment

☒

Statement why maintenance fee was not paid timely

☒

Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition) N/A

☒

Other:

EXHIBITS A-D

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Peter A. Langes
Signature

MARCH 21, 2011
Date

Peter A. Langes
Type or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Due TO FINANCIAL HANDSHIP FROM A MEDICAL CONDITION THAT LEFT ME DISABLED AND UNABLE TO WORK FULL TIME. I PETITION THAT MY LATE FEES WERE UNAVOIDABLE AND HAVE SHOWN DILIGENCE IN THE TASKS OF TRYING TO PRODUCE THE FUNDS REQUIRED.

THE FOLLOWING EXHIBITS A-D ILLUSTRATED MY EFFORTS, I GOT MESSED OVER BY SOCIAL SECURITY IN MY SELF EMPLOYMENT PLANS.

THE FUNDS FOR THE LATE FEES WERE PRODUCED AND REQUEST MY PATENT BE REINSTATED.

Peter A. Langes 3/21/11

(Please attach additional sheets if additional space is needed)



EXHIBIT



Social Security Administration

San Francisco Region

939 Market St
San Francisco CA 94103
(415) 744-5773
(877) 612-8474
Refer to: [REDACTED]
Date: April 7, 2006

Peter Langes
537 Hastings Drive
Benicia, CA 94561-2520

Dear Mr. Langes:

This letter concerns your Plan for Achieving Self Support (PASS). We need more information to decide if you have been following your plan and if we can extend it. If there is anything you do not understand, please get in touch with us right away.

Things We Need

(Note: Your current plan has been in effect since 07/2005.)

We had approved your plan with the following milestones for the past period:

Step	From	To
Renew Contractor's License/save toward used vehicle purchase/obtain teaching certificate <u>market new</u>	07/2005	07/2007
plumbing device	xxxxxxxxxx	07/2007
Projected PASS ending date: 07/2007		

We need to see evidence that you have completed the PASS milestones that were approved for the past period.



EXHIBIT

(B)

Social Security Administration

San Francisco Region

939 Market St
San Francisco CA 94103
(415) 744-5773 342
Refer to: [REDACTED]

3265

June 2, 2006

Peter Langes
537 Hastings Drive
Benicia, CA 94510-1303

Dear Mr. Langes:

Social Security had sent you extra money in order to finance your PASS. You have been notified that we needed proof that you were following your plan's milestones and proof of your PASS purchases.

We have reviewed the documents and information you sent us. The purpose of our review was to determine if you have complied with the provisions of your PASS. Since we have not been able to verify that all PASS funds spent by you for the period of 07/2005 to 04/2006 followed the plan's guidelines, we must therefore suspend your Plan for Achieving Self Support.

Based on our approval letter of your PASS in 09/2005, your employment goal was a Plumbing Consultant/Instructor only. No PASS Funds were approved for your patent or plumbing invention. In other words, you can only have one employment goal per PASS Plan. ←

We wish you success in your future endeavors.

If You Disagree With The Decision

If you disagree with this decision, you have the right to appeal. We will review your case and look at any new facts you have. Then, a person who did not make the first decision will decide your case.

- You have 60 days to ask for an appeal. The 60 days start the day after you get this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.
- You will have to have a good reason for waiting more than 60 days to ask for an appeal.

EXHIBIT (C)

Thursday, August 16, 2007

To: The Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PTO examiner, John Rivell Application # 11 / 176, 07
~~Final rejection 03/17/07: Amendment reconsideration~~

Mr. Rivell,

There was a missed claim feature to the original Patent 5,687,761 regarding this device being gas and water tight. Re: design of the lid of the yard box. It is pointed out that this claim # 6 is supported by the original art design. I have tried to correct these issues indicated in a response of 03/15/07. See the attached original drawing

The claims 1 through 5 are unchanged and have been referenced in error again by the incorrect patent number in the final rejection notice. It appears the examiner is referring to a different patent and does not explain in layman terms what the problem is for not allowing me to amend my original patent with the missed claim.

When I filed 07/07/05 features were claimed that be incorporated with my patent with existing alarm devices, which was not allowed.

I filed the new application in error instead of filing an amendment. The maintenance fee to the original patent cost twice as much. It seemed cost effective to re-patent my own patent with the left out features

Due to my fixed disability income hardship, I was not able to pay for an attorney to fix the problem of the missed claim feature. This is my own patent amendment, it does not infringe on other patents.

There is no reason given why am I not being permitted to amend my patent?

Sincerely,

Peter A. Langes



EXHIBIT (D)

Social Security Administration

Disability Information

1500 WOODLAWN DRIVE
BALTIMORE MD 21241

Date: September 14, 2010

Claim Number: [REDACTED]

PETER LANGES
537 HASTINGS DRIVE
BENICIA CA 94510-1303

We recently reviewed the evidence in your Social Security disability claim and found that your disability is continuing. Here is some important information about your claim. We have also enclosed information about working that explains some of the terms we use.

You have completed your trial work period. Although you are now working (or have worked and stopped), we find that the work you have been doing ~~does not~~ show that you can do substantial work.

We counted the following as trial work month(s):

January 2005
February 2005
March 2005
January 2008
February 2008
March 2008
April 2008
May 2008
June 2008

Your claim will be reviewed from time to time to see if you are still eligible for benefits based on disability. When your claim is reviewed, you will be contacted if there is any question as to whether your eligibility continues.

If you are receiving Supplemental Security Income payments, any decision about that claim will be sent in a separate notice.

See Next Page